

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference YNKD	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/001411	International Filing Date (day/month/year) 28 October 2003	Priority Date (day/month/year) 29 October 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61C 15/00		
Applicant YNDK PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12 March 2004	Date of completion of the report 10 February 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  MATTHEW FORWARD Telephone No. (02) 6283 2606

I. Basis of the report

1. With regard to the **elements** of the international application:*
- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of
2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-11	NO
Inventive step (IS)	Claims	YES
	Claims 1-11	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 US 4237911

D2 US 4554154

D3 WO 00/32135

The present claims define a dental care masticating strip comprising a thermoplastic polymeric cellular foam having a total volume of 1 to 4 cubic centimetres the strip having on its surface open cup shaped cells of about 1 mm in diameter.

NOVELTY(N): Claims 1-11

Document D1 discloses a dental product for maintaining oral hygiene that comprises a cellular stem arranged to clean exposed tooth surfaces. The product also comprises a fin for cleaning between adjacent pairs of teeth. Term "cellular stem" anticipates "thermoplastic polymeric cellular foam". Fig. 1-7 depict the embodiment of the dental product which could be considered as a "strip of total volume of 1 to 4 cubic centimetres" and said strip have on its surface "open cup cells of about 1 mm in diameter". Claims 1-11 are not new and not inventive in view of this document.

Document D2 discloses a chewable plastics dental products in the form of strip or foam, capsule or cloth. The plastics includes a biologically acceptable adhesive and being masticatable to provide dental care. Term "chewable plastic in the form of foam" anticipate "thermoplastic polymeric cellular foam". Column 3 lines 42 - 57 describe strips which can be part of the packaging or wrapping of food, for example sandwich bags which can have one side perforated 12 mm for edge of fold in the bag, this description anticipates "strip of total volume of 1 to 4 cubic centimetres". Foam usually has on its surface "open cup cells of about 1 mm in diameter". Claims 1-11 are not new and not inventive in view of this document.

Document D3 discloses dental treatment comprising masticating or flossing between teeth with a chewable fibre dental gum, said gum comprising a plurality of fibres derived from USA Food and Drug Administration approved plastic cellular foamed fibre which is chewable. Page 5 lines 10 - 15 disclose plastic cellular foamed fibre able to remove food particles, plague and sugars from the surface of teeth without damaging gums, which anticipates "thermoplastic polymeric cellular foam". Page 9 lines 31-32 disclose low density polyethylene foam and about 0.5 to 1 mm up to 3 mm thick cut into strips of about 12 mm wide and 100 mm long, that anticipates "strip of total volume of 1 to 4 cubic centimetres". Foam usually has on its surface "open cup cells of about 1 mm in diameter". Claims 1-11 are not new and not inventive in view of this document.